

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLTON MARBURY,)	CASE NO.: 1:08CV349
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
)	
STUART HUDSON, Warden,)	<u>ORDER AND DECISION</u>
)	
Respondent.)	
)	

The Court has examined the Report and Recommended Decision of Magistrate Judge Limbert, submitted in this matter on January 6, 2009. Upon due consideration, and no objections having been filed by the parties, the Court adopts the Report and Recommended findings and conclusions of the Magistrate Judge and incorporates them herein. Therefore, it is ordered that petition is hereby DISMISSED.

The Court certifies, pursuant to 28 U.S.C. §1915(A)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability.

This Order is entered pursuant to Federal Rule of Civil Procedure 58.

So ordered.

March 4, 2009

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE